

REMARKS

Claims 1-51, 53, 54, and 57-65 were pending. Claims 15 and 35 have been amended. Claims 12, 13, 18, 27, 28, 30-34, 45-51, 53, 54, and 57 have been canceled without prejudice. Claims 1-11, 14-17, 19-26, 29, 35-44, and 58-65 are pending.

The Examiner's courtesy in conducting a telephone interview with Applicant's representative on June 2, 2004 is acknowledged with appreciation. During the interview, the references to Sanpei et al. and Pfeffer et al. were discussed, and the Examiner agreed that the previous amendment to claim 1 overcame the prior art rejections, in that claim 1 recites a system which updates information stored in memory "without a determination being made as to whether said information should be updated," whereas the prior art requires a determination step prior to updating. Independent claims 15 and 30 were discussed with respect to adding a similar limitation. Independent claims 30 and 46, and dependent claims 12, 27, and 45, were considered regarding consistency with the amendments discussed. Applicant agreed to consider amending or canceling these claims.

Claims 1, 2, 6, 9-11, 14-16, 22, 25, 26, 35, 36, 40, 43, and 44 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,732,349 to Sanpei et al. in view of U.S. Pat. No. 6,529,728 to Pfeffer et al. This rejection is traversed.

Claim 1 recites, *inter alia*, "a system for updating information stored in a memory of a portable electronic device." The system includes "a plurality of base stations, each of said plurality of base stations being located at a respective geographic location and transmitting a radio signal including information specific to said respective geographic location," and "a transceiver in said portable electronic device," "wherein when said portable electronic device comes into range of one of said plurality of base stations, said portable electronic device automatically receives said radio signal from said one of said plurality of base stations, said information is received by said transceiver and provided to a microprocessor in said portable electronic device, and based on said information in said radio signal automatically updates said information stored in said memory of said portable

electronic device without a determination being made as to whether said information should be updated.”

The reference to Sanpei et al. discloses a portable telephone communication system. Communication is initiated when a calling telephone transmits a channel connection request to a corresponding base station connected to a network. The Sanpei et al. reference does not teach or suggest “a system for updating information stored in a memory of a portable electronic device” in which “when said portable electronic device comes into range of one of said plurality of base stations, said portable electronic device *automatically* receives said radio signal from said one of said plurality of base stations, said information is received by said transceiver and provided to a microprocessor in said portable electronic device, and based on said information in said radio signal *automatically* updates said information stored in said memory of said portable electronic device without a determination being made as to whether said information should be updated.” The Examiner acknowledged that the reference to Sanpei et al. was deficient with respect to claim 1 in the noted interview. The reference to Sanpei et al. does not anticipate or render obvious the subject matter defined by claim 1.

The reference to Pfeffer et al. does not cure the deficiencies of the Sanpei et al. reference. The Pfeffer et al. reference discloses a portable communication unit that automatically initiates communication within a wireless local area network. Communication between the portable unit and the network includes a registration process in which the portable transmits an identifier, and information needs of the portable device are determined. After the registration process ends and the needs determination is completed, information profiles are downloaded to the portable unit *only if* the information is out of date or missing. The reference to Pfeffer et al. does not teach or suggest “a system for updating information stored in a memory of a portable electronic device” in which “when said portable electronic device comes into range of one of said plurality of base stations, said portable electronic device automatically receives said radio signal from said one of said plurality of base stations, said information is received by said

transceiver and provided to a microprocessor in said portable electronic device, *and* based on said information in said radio signal *automatically* updates said information stored in said memory of said portable electronic device *without a determination* being made as to whether said information should be updated.” The Examiner acknowledged that the reference to Pfeffer et al. was deficient with respect to claim 1 in the noted interview. Consequently, the cited prior art references to Sanpei et al. and Pfeffer et al., taken alone or in combination, do not anticipate or render obvious the invention of claim 1.

Further, there is no motivation in the prior art to combine the references and arrive at the present invention as particularly recited, absent an improper reliance on applicant’s disclosure. The reference to Sanpei et al. discloses a base station communication system, while the Pfeffer et al. reference discloses a wireless local area network. No motivation exists in either reference to replace or modify its communication system with that of the other. On the contrary, the telephone communication system disclosed by the Sanpei et al. reference, in which the portable initiates communication with the base station, would no longer function as intended if converted to a wireless local area network with automatically-established communication, and *vice versa*, as suggested in the Office Action.

Accordingly, at least for the reasons given above, claim 1, and its dependent claims 2-11, 14, and 58-61 are patentable over the proposed combination of the references to Sanpei et al. and Pfeffer et al.

Independent claim 15 recites a portable electronic device that includes “a processor,” “a memory coupled to said processor, said memory storing information,” and “a receiver coupled to said processor, said receiver automatically receiving radio signals, said radio signals including information specific to a geographic location, said receiver providing said information specific to said geographic location to said processor,” “wherein said processor in response to automatically receiving said information from said receiver automatically updates said information stored in said memory based on said information

specific to said geographic location without a determination being made as to whether said information should be updated.”

Claim 15 is directed to a portable device and has been amended to specifically recite that the device includes a receiver that automatically updates information stored in memory “without a determination being made as to whether said information should be updated.” The references to Sanpei et al. and Pfeffer et al. do not anticipate or render obvious the subject matter of claim 15 for the reasons set forth above with respect to a similar limitation in claim 1. Accordingly, claims 15, and its dependent claims 16, 17, 19-26, 29, 62, and 63, are patentable over the proposed combination of the Sanpei et al. and Pfeffer et al. references.

Independent claim 35 recites “a method for updating information stored in a memory of a portable electronic device,” including “receiving a radio signal automatically from a base station when said portable electronic device comes into range of said base station, said radio signal including location specific information specific to a geographic location in which said base station is situated,” and “automatically updating said location dependent information stored in said memory based on said location specific information without a determination being made as to whether said information should be updated.”

Claim 35 is directed to a method of operating a portable electronic device and has been amended to specifically recite that location dependent information stored in memory is updated “without a determination being made as to whether said information should be updated.” The references to Sanpei et al. and Pfeffer et al. do not anticipate or render obvious the subject matter of claim 35 for the reasons set forth above with respect to similar limitations of claims 1 and 15. Claims 35, and its dependent claims 36-44, 64, and 65, are patentable over the proposed combination of the Sanpei et al. and Pfeffer et al. references.

Claims 5, 21, and 39 stand rejected under 35 USC § 103(a) as unpatentable over Sanpei et al. in view of Pfeffer et al., further in view of U.S. Pat. No. 6,282,431 to Konno. Applicant respectfully traverses this rejection.

Claim 5 depends from claim 1, claim 21 depends from claim 15, and claim 39 depends from claim 35. As discussed above, each of the independent claims 1, 15, and 35 is patentable over the references to Sanpei et al. and Pfeffer et al. Accordingly, claims 5, 21, and 39 are allowable for at least the same reasons as claims 1, 15, and 35.

Claims 3, 7, 17-19, 23, 37, and 41 stand rejected under 35 USC § 103(a) as unpatentable over Sanpei et al. in view of Pfeffer et al. and in view of U.S. Pat. No. 5,305,372 to Tomiyori. Applicant respectfully traverses this rejection.

Claims 3 and 7 depend from claim 1, claims 17, 19 and 23 depend from claim 15, and claims 37 and 41 depend from claim 35. Claim 18 has been canceled. As discussed above, each of the pending independent claims 1, 15, and 35 is patentable over the references to Sanpei et al. and Pfeffer et al. Accordingly, claims 3, 7, 17, 19, 23, 37, and 41 are allowable for at least the reasons given for the allowance of claims 1, 15, and 35.

Claims 4, 20, and 38 stand rejected under 35 USC § 103(a) as unpatentable over Sanpei et al. in view of Pfeffer et al. and in view of U.S. Pat. No. 6,085,098 to Moon et al. Applicant respectfully traverses this rejection.

Claim 4 depends from claim 1, claim 20 depends from claim 15, and claim 38 depends from claim 35. As discussed above, each of the independent claims 1, 15, and 35 is patentable over the references to Sanpei et al. and Pfeffer et al. Accordingly, claims 4, 20, and 38 are allowable for at least the reasons given above for the allowance of claims 1, 15, and 35.

Claims 8, 24, and 42 stand rejected under 35 USC § 103(a) as unpatentable over Sanpei et al. in view of Pfeffer et al. and in view of U.S. Pat. No. 6,201,963 to Nakamura. Applicant respectfully traverses this rejection.

Claim 8 depends from claim 1, claim 24 depends from claim 15, and claim 42 depends from claim 35. As discussed above, each of the independent claims 1, 15, and 35 is patentable over the references to Sanpei et al. and Pfeffer et al. Accordingly, claims 8, 24, and 42 are allowable for at least the reasons given above for the allowance of claims 1, 15, and 35.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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